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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,662	05/25/2000	Eliel Villa-Aleman	25057-32	5878

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GREENVILLE, SC 29603-0827

EXAMINER
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KIBLER, VIRGINIA M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/578,662

Applicant(s)

VILLA-ALEMAN, ELIEL

Examiner

Virginia M Kibler

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rios et al. (4,983,846).

Regarding claim 1, Rios et al. ("Rios") discloses a light source for fingerprint analysis including an array of light emitting diodes (Col. 3, lines 43-46) and a power source for powering the LEDS (Col. 4, lines 27-31) wherein the array emits a wavelength-specific light of sufficient intensity to cause a dye to visibly fluoresce (Col. 2, lines 53-56).

Regarding claim 2, Rios discloses a portable power source (Col. 4, lines 27-31).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rios et al. (4,983,846).

Regarding claim 3, Rios discloses a light source including an array of LEDs (Col.3, lines 43-46). Rios does not explicitly state using between 10 and 25 LEDs. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the number of LEDs used in the light source disclosed by Rios to specify 10-25 in according to the desired intensity.

Regarding claims 5, 6, and 8, Rios discloses a light source having a predetermined band of wavelength (Col. 2, lines 53-64). In light of Rios' disclosure, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the predetermined band of wavelength disclosed by Rios to a particular wavelength in order to illuminate a specific fluorescent substance.

Regarding claim 7, Rios discloses including batteries for powering the light sources (Col. 4, lines 27-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the battery disclosed by Rios to explicitly state a desired voltage depending on the number of LEDs used in the array.

5. Claims 4 and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rios et al. (4,983,846) in view of Lehrer et al. (5,558,428).

Regarding claim 4, Rios does not recognize the array of LEDs being attached to a user by a personal attachment device. However, Lehrer et al. ("Lehrer") teaches that it is known to attach a portable light source to a user by a personal attachment device (Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the light source disclosed by Rios to include a personal attachment device, as taught by Lehrer, in order to provide a hands free light source.

Regarding claim 9, the arguments analogous to those presented above for claims 1 and 4 are applicable to claim 9. Note that Rios discloses a light source for on-site analysis of latent fingerprints (Abstract).

Regarding claim 10, the arguments analogous to those presented above for claim 2 are applicable to claim 10.

Regarding claim 11, the arguments analogous to those presented above for claim 3 are applicable to claim 11.

Regarding claim 13, the arguments analogous to those presented above for claim 5 are applicable to claim 13.

Regarding claim 14, the arguments analogous to those presented above for claim 6 are applicable to claim 14.

Regarding claim 15, the arguments analogous to those presented above for claim 7 are applicable to claim 15.

Regarding claim 16, the arguments analogous to those presented above for claim 8 are applicable to claim 16.

Regarding claim 12, the arguments analogous to those presented above for claim 4 are applicable to claim 12. Lehrer discloses a belt pouch 60 and head set having an adjustable head band 11 (Col. 2, lines 9-11). Lehrer does not recognize having an elastic head band. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the adjustable head band disclosed by Lehrer to include an elastic head band as another means for allowing the head band to be adjusted.

Regarding claim 17, the arguments analogous to those presented above for claims 9 and 12 are applicable to claim 17.

Regarding claim 18, Lehrer discloses a power source 39 that can be carried by the user (Figure 1).

Regarding claim 19, the arguments analogous to those presented above for claim 5 are applicable to claim 19.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 4,245,516 to de Haas et al. for portable illumination device; and

U.S. Pat. No. 6,485,981 to Fernandez for imaging and documenting fingerprints.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon. - Thurs. 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

VK

February 21, 2003



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